

**DEPARTMENT OF EDUCATION
SPECIAL EDUCATION PROGRAMS
Edgemont School District
Accountability Review - Focus Monitoring Report 2009-2010**

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Desk Audit

Date of Report: July 13, 2010

3 month update due: October 13, 2010

Date Received: October 13, 2010

6 month update due: January 13, 2011

Date Received: January 13, 2011

9 month update due: April 13, 2011

Date Received: April 13, 2011

Closed: May 20, 2011

Program monitoring and evaluation.

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Indian children operated or funded by the Secretary of the Interior:
 - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
 - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

State monitoring--Quantifiable indicators and priority areas.

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
 - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
 - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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State enforcement -- Determinations.

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;
- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

Deficiency correction procedures.

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

1. FREE APPROPRIATE PUBLIC EDUCATION (FAPE) IN THE LEAST RESTRICTIVE ENVIRONMENT(LRE) - Indicator 5

Present levels:

ARSD 24:05:27:01.03 Content of individualized education program (IEP)

A student’s IEP must contain a statement of the student’s special education and related services provided to the student.

CFR 300.320 (a)(7) Comment Initiation, Frequency, Location and Duration of Services

The IEP must include information about the amount of services that will be provided to the child, so that the level of the agency's commitment of resources will be clear to parents and other IEP Team members. The amount of time to be committed to each of the various services to be provided must be appropriate to the specific service and clearly stated in the IEP in a manner that can be understood by all involved in the development and implementation the IEP.

ARSD 24:05:28:03. Factors in determining placements.

- Each school district shall establish and implement procedures which ensure that the following factors are addressed in determining placements:
- (1) Each child's educational placement must be individually determined at least annually and must be based on the child's individual education program;
 - (2) Provisions are made for appropriate classroom or alternative settings necessary to implement a child's individual education program;
 - (3) Unless a child's IEP requires some other arrangement, the child shall be educated in the school which that child would normally attend if not disabled. Other placement shall be as close as possible to the child's home;
 - (4) Placement in the least restrictive environment will not produce a harmful effect on the child or reduce the quality of services which that child needs; and
 - (5) A child with a disability is not removed from education in age-appropriate regular classrooms solely because of needed modifications in the general education curriculum.

Finding:

Through review of student records, the monitoring team concluded the district did not consistently state the specific services to be provided and the amount of service in the IEPs. IEPs clustered together special education services (reading, math, and writing) along with a total amount of time and location. In addition, the district did not adequately address what the student needed that could not be provided in the regular classroom to justify the requirement of special education placement.

Corrective Action: Document the specific activities and procedures that will be implemented and the	Timeline for Completion	Person(s) Responsible	(SEP Use Only)
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data/criteria that will be used to verify compliance.			Date Met
Activity/Procedure: 1. The special education staff will receive technical assistance regarding this issue and the date, provider and participants will be reported as part of the progress report. Data Collection: 1. To validate issues to this finding have been appropriately corrected, the district will submit to Special Education Program (SEP) one initial evaluation or reevaluation file (per special education teacher) completed after the district's in-service. Each packet should include referral, if appropriate, prior notice consent, evaluation report, eligibility document and the IEP.		Special Education Director and Staff	

3 month Progress Report: Contact was made with the District Special Education Director on October 13, 2010. No student files have been submitted from special education teachers. Teachers will be submitting files upon completion of re-evaluations.

6 month Progress Report: The elementary school special education teacher submitted two IEPs for review. Feedback was given on necessary changes to each IEP. District staff will attend IEP workshop on February 10, 2011. (Rescheduled from Nov. 17, 2010)

9 month Progress Report: District personnel received required technical assistance at IEP Workshop in February 2011. IEPs submitted by elementary school special education teacher contained a specific configuration of services to be provided to the student and the student's individual needs were adequately addressed in the justification for placement statement. The high school special education teacher still needs to submit an IEP for review to meet this goal.

Closed: Evidence of correction has been submitted and reviewed on May 20, 2011.

1. GENERAL SUPERVISION - Indicator 15

Present levels: (This issue was also noted in monitoring report of November 2008)

ARSD 24:05:30:04 Prior notice and parent consent

Informed parental consent must be obtained before conducting a first-time evaluation, reevaluation, and before initial placement of a child in a program providing special education or special education and related services. Parental consent is not required before:

- (1) Reviewing existing data as part of an evaluation or reevaluation; or
- (2) Administering a test or other evaluation that is administered to all children unless, before administration of that test or evaluation, consent is required of parents of all children.

ARSD 24:05:25:04 Evaluation procedures

School districts shall ensure, at a minimum, that evaluation procedures ensure a variety of assessment tools and strategies are used to gather relevant functional and development information about the child, including information provided by the parents that may assist in determining whether the child is a child with a disability and content of the child's IEP.

ARSD 24:05:25:04.03. Determination of eligibility.

Upon completing the administration of assessments and other evaluation measures, the individual education program team and other qualified individuals shall determine whether the

student is a student with a disability and shall determine the educational needs of the child. The school district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent. A student may not be determined to be a student with a disability if the determinant factor for that decision is lack of appropriate instruction in reading, including the essential components of reading instruction as defined in ESEA, or lack of appropriate instruction in math or limited English proficiency and if the student does not otherwise meet the eligibility criteria.

ARSD 24:05:25:06. Reevaluations.

A school district shall ensure that a reevaluation of each child with a disability is conducted in accordance with this chapter if the school district determines that the educational or related service needs, including improved academic achievement and functional performance, of the child warrant a reevaluation or if the child's parents or teacher requests a reevaluation. A reevaluation conducted under this section may occur not more than once a year, unless the parent and district agree otherwise, and must occur at least once every three years, unless the parent and the district agree that a reevaluation is unnecessary. Reevaluations must be completed within 25 school days after receipt by the district of signed consent to reevaluate unless other time limits are agreed to by the school administration and the parents.

Finding:

Through file review, the team found throughout the district that skill-based (functional) assessment information was not available and not provided to parents in pertinent areas of eligibility for the majority of children referred for special services. The team also found that the IEP team did not assess in all areas stated on the prior notice for a majority of the files. For one student, social/behavioral assessments were administered without parent consent. In 3 of 4 files reviewed, the 25-day evaluation timeline was not met and the IEP team did not seek an extension of this timeline.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
<p>Activity/Procedure:</p> <ol style="list-style-type: none"> 1. The district must review and revise policy and procedure to ensure that all evaluations used to determine eligibility are listed on the prior notice/consent form and that all skill areas pertinent to eligibility be supported with skill-based (functional) assessment information. 2. The special education staff will receive technical assistance regarding this issue, and the date, provider and participants will be reported as part of the progress report. <p>Data Collection:</p> <ol style="list-style-type: none"> 1. The date district staff met and who participated in the review and revision of policy/procedures and date that staff participate in technical assistance. 2. To validate issues to this finding have been appropriately corrected, the district will submit to Special Education Program (SEP) one initial 		Special Education Director and Staff	

evaluation or reevaluation file (per special education teacher) completed after the district's in-service. Each packet should include referral, if appropriate, prior notice consent, evaluation report, eligibility document and the IEP.			
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3 month Progress Report: Contact was made with the District Special Education Director on October 13, 2010. District special education staff has not yet attended IEP training to receive technical assistance on this issue. Staff is registered to attend IEP training in Rapid City on November 17th. No student files have been submitted from special education teachers. Teachers will be submitting files upon completion of re-evaluations.

6 month Progress Report: The elementary special education teacher submitted two IEPs for review. Feedback was given on necessary changes to each IEP. District staff will attend IEP workshop on February 10, 2011. (Rescheduled from Nov. 17, 2010)

9 month Progress Report: District personnel received required technical assistance at IEP Workshop in February 2011. IEPs submitted by elementary school special education teacher provided evidence that the 25-day evaluation timeline was met and no evaluations were conducted without parent permission. However, not all evaluations on the prior notice were given nor were skill-based assessments conducted and results summarized in report that was provided to parents in pertinent areas of eligibility. The high school special education teacher still needs to submit an IEP for review to meet this goal.

Closed: Evidence of correction has been submitted and reviewed on May 20, 2011.

2. GENERAL SUPERVISION Indicator 5:

Present levels: (This issue was also noted in monitoring report of November 2008)

ARSD 24:05:27:01.03. Content of individualized education program.

A student's IEP must contain present levels of performance based upon the specific skill areas affected by the student's disability. The present levels of performance are based upon the functional assessment information gathered during the comprehensive evaluation process. Present levels of performance must contain the student's strengths, needs, effect of the disability on the student's involvement/progress in the general curriculum, and parent input. The student's IEP must include a statement of measurable annual goals specific to the skill area affected by the student's disability, description of how the student's progress toward the annual goals described in this section will be measured, and when periodic reports on the progress the student is making toward meeting the annual goals.

ARSD 24:05:27:01.02. Development, review, and revision of individualized education program.

In developing, reviewing, and revising each student's individualized education program, the team shall consider the strengths of the student and the concerns of the parents for enhancing the education of their student, the results of the initial or most recent evaluation of the student, the academic, developmental, and functional needs of the student. The individualized education program team also shall consider the use of positive behavioral interventions and supports and other strategies to address that behavior in the case of a student whose behavior impedes his or her learning or that of others.

Finding:

Through a review of student records, skill-based (functional) assessment, present levels of academic achievement and functional performance did not consistently contain skill-based strengths and needs for each skill (goal) area or the student's involvement in the general curriculum. Therefore, annual goals did not represent skills the student could reasonably be expected to accomplish within a 12-month period. In addition, the annual goals did not consistently have the required content: condition, performance and criteria. The prior notice for a meeting contained inappropriate content for the majority of files reviewed. The content in the notice in each of these student records was the same as the prior notice/consent for evaluation and, as such, informs the parents that assessments need to be conducted rather than stating the purpose of the meeting was to determine eligibility and/or develop an IEP.

Corrective Action: Document the specific activities and procedures that will be implemented and the data/criteria that will be used to verify compliance.	Timeline for Completion	Person(s) Responsible	(SEP Use Only) Date Met
Activity/Procedure: <ol style="list-style-type: none"> The special education staff will receive technical assistance regarding this issue, and the date, provider and participants will be reported as part of the progress report. Data Collection: <ol style="list-style-type: none"> To validate issues to this finding have been appropriately corrected, the district will submit to Special Education Program (SEP) one initial evaluation or reevaluation file (per special education teacher) completed after the district's in-service. Each packet should include referral, if appropriate, prior notice consent, evaluation report, eligibility document and the IEP. 		Special Education Director and Staff	

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6 month Progress Report: The elementary special education teacher submitted two IEPs for review. Feedback was given on necessary changes to each IEP. District staff will attend IEP workshop on February 10, 2011. (Rescheduled from Nov. 17, 2010)

9 month Progress Report: District personnel received required technical assistance at IEP Workshop in February 2011. IEPs submitted by elementary school special education teacher provided evidence that the prior notice for IEP meetings contained appropriate content to fully inform parents of the purpose of the meeting. Annual goals also contained all of the required content. However, the present levels of performance did not contain skill-based strengths and needs for each skill (goal) area to connect the student's IEP to the current evaluation. The high school special education teacher still needs to submit an IEP for review to meet this goal.

Closed: Evidence of correction has been submitted and reviewed on May 20, 2011.